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6 Chamberlain

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 MICHAEL RICHARD LYNCH AND
STEPHEN KEITH CHAMBERLAIN

15 Defendants.
16

CASE NO. 3:18-cr-00577-CRB

**STEPHEN CHAMBERLAIN'S
REPLY IN SUPPORT OF EX
PARTE APPLICATION TO
CLARIFY CONDITIONS OF BOND**

Date: September 25, 2019

Time: 1:30 p.m.

Crtrm.: 6, 17th Floor

Assigned to Hon. Charles R. Brever

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The prosecutors assigned to this case and the FBI case agents have indeed
3 diligently sought Mr. Chamberlain's parole into the United States so that he can
4 attend court proceedings. But on each occasion, their efforts have been stymied by
5 bureaucratic red tape, which has resulted – as their filing acknowledges – in last
6 minute approvals without any notice (literally hours before Mr. Chamberlain is
7 scheduled to fly) and a complete lack of communication by the immigration
8 authorities even to their FBI counterparts. And although the prosecutors and FBI
9 agents had no objection to Mr. Chamberlain's travel to the United States for other
10 purposes (and attempted to secure authorization for such travel), apparently the
11 immigration authorities have communicated a blanket refusal to even consider
12 allowing Mr. Chamberlain to travel for other purposes.

13 The Court's bail order allows Mr. Chamberlain to reside in the UK and travel
14 to any location that has an extradition treaty with the US. ECF No. 14. Here, Mr.
15 Chamberlain merely seeks to travel *to the United States*, and seeks the assistance of
16 the Court in potentially obtaining such authorization on a reasonable timeline and
17 for travel in addition to that required for Court appearances. Mr. Chamberlain has
18 been forced to cancel travel because of the immigration authority's failure to timely
19 communicate regarding authorization for his entry to the United States, and has
20 incurred unnecessary expenses, time, and stress as a result. In communications with
21 counsel, the government has expressed its own frustrations about the process as it
22 stands. *See, e.g.*, Exhibit A (email chain regarding efforts to secure approval for
23 travel).

24 Mr. Chamberlain does not seek special treatment. He merely seeks the
25 Court's assistance in obtaining clarification of his bail terms. The entry of the
26 requested order may positively impact the information entered into the immigration
27 authority's databases, such that more timely authorizations, and complete
28 communication with the FBI (and thus with Mr. Chamberlain) will occur. The

1 requested order does not remove any discretion from ICE or any other government
2 agency.

3 Bond conditions are meant to be as least restrictive as possible. Mr.
4 Chamberlain has voluntarily appeared in this matter and the Court set reasonable
5 conditions. Mr. Chamberlain's efforts to do what is necessary for his employment –
6 including, as needed, travel to the United States – should be encouraged, as bond
7 conditions regularly require that defendants maintain gainful employment during the
8 pre-trial period.

9 Accordingly, Mr. Chamberlain respectfully requests that the Court enter the
10 order for clarification as requested, so that the immigration authorities understand
11 the Court's intentions in setting Mr. Chamberlain's bond conditions.
12
13

14 DATED: October 8, 2019

Gary S. Lincenberg
Bird, Marella, Boxer, Wolpert, Nessim,
Drooks, Lincenberg & Rhow, P.C.

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18 By: s/Gary S. Lincenberg
19 Gary S. Lincenberg
20 Attorneys for Defendant Stephen Keith
21 Chamberlain
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EXHIBIT "A"

From: [Ariel A. Neuman](#)
To: [Bryant, Alexandra E. \(SF\) \(FBI\)](#); [Bak, Sarah \(SF\) \(FBI\)](#); [Leach, Robert \(USACAN\)](#)
Cc: [Gary S. Lincenberg](#)
Subject: RE: Chamberlain Travel
Date: Monday, July 8, 2019 10:18:00 AM

Alex / Bob,

Apparently the Embassy called Mr. Chamberlain early Monday morning from an unknown number. The woman calling left only a first name (Kim) and number for him to call them back. When he returned the call, the number was the main switchboard for the Embassy and the switchboard would not put him through to anyone without a surname. He ended up having to cancel the flights due to the lack of communication from ICE and the embassy.

We need to find a better way to handle this going forward. I realize you and your team are working on this diligently, but there are obvious problems if each time, the travel arrangements are left until the last possible moment by ICE and then insufficient information is left for Mr. Chamberlain to actually obtain the necessary documents. He does not live anywhere near the Embassy and so this is all a huge problem.

I am hoping your team can work with the ICE team to come up with a permanent solution so we don't run into this problem for future travel and court appearances.

Thanks,
Ariel

From: Bryant, Alexandra E. (SF) (FBI) <aebryant2@fbi.gov>
Sent: Sunday, July 7, 2019 9:56 AM
To: Bak, Sarah (SF) (FBI) <SBAK@fbi.gov>; Leach, Robert (USACAN) <Robert.Leach@usdoj.gov>; Ariel A. Neuman <aneuman@birdmarella.com>
Cc: Gary S. Lincenberg <glincenberg@birdmarella.com>
Subject: Re: Chamberlain Travel

Ariel,

I have asked both the FBI in DC and London to check on the status with HSI. As of Friday HSI had not sent the paperwork to London. DC and London will check again first thing tomorrow with HSI and will reach out directly to Chamberlain for pickup just like last time.

As I said before this is an HSI/immigration process that we do not control. I'm sorry it is a frustrating process, but we are constantly checking in with HSI to try to get the paperwork.

Best,
Alex

On Jul 6, 2019 7:54 AM, "Ariel A. Neuman" <aneuman@birdmarella.com> wrote:

Any word? We are down to the last possible day, again, even though they had months notice...

Ariel A. Neuman
aneuman@birdmarella.com

Sent from my mobile device.

On Tue, Jul 2, 2019 at 3:57 PM -0700, "Bryant, Alexandra E. (SF) (FBI)" <aebryant2@fbi.gov> wrote:

Hi Ariel,

I have asked for an update from ICE. Hopefully I will know by tomorrow when they expect to send the visa to the UK for pickup. I have made our London office aware this is coming. Unfortunately this is a process done through ICE and we have little control over it. Thank you for your patience. Finally I will speak to ICE about the August travel to see if this visa can cover it as well.

Best regards,

SA Alexandra Bryant
San Francisco FBI
415-553-5730

From: Ariel A. Neuman [<mailto:aneuman@birdmarella.com>]
Sent: Tuesday, July 02, 2019 8:50 AM
To: Bryant, Alexandra E. (SF) (FBI) <aebryant2@fbi.gov>; Leach, Robert (USACAN) <Robert.Leach@usdoj.gov>; Bak, Sarah (SF) (FBI) <SBAK@fbi.gov>
Cc: Gary S. Lincenberg <glincenberg@birdmarella.com>
Subject: RE: Chamberlain Travel

Following on the below, Mr. Chamberlain does want to come to the US as scheduled next week in any event, so please let me know where things stand.

Thanks.

From: Ariel A. Neuman
Sent: Monday, July 1, 2019 8:12 PM

To: 'Bryant, Alexandra E. (SF) (FBI)' <aebryant2@fbi.gov>; Leach, Robert (USACAN) <Robert.Leach@usdoj.gov>; 'sbak@fbi.gov' <sbak@fbi.gov>
Cc: Gary S. Lincenberg <glincenberg@birdmarella.com>
Subject: FW: Chamberlain Travel

Alex/Sarah/Bob,

Following up on the below to confirm that the August travel will occur. While it looks like next week will probably be off calendar, it is surprised that we have never heard anything about the travel arrangements given how close the date is. Is there any way to smooth this process a bit?

Please let me know about the August travel, and for now, we should keep the July 10 travel going forward until we hear otherwise from the judge.

Thanks.

From: Ariel A. Neuman
Sent: Thursday, June 27, 2019 12:51 PM
To: 'Bryant, Alexandra E. (SF) (FBI)' <aebryant2@fbi.gov>; Leach, Robert (USACAN) <Robert.Leach@usdoj.gov>
Cc: Gary S. Lincenberg <glincenberg@birdmarella.com>
Subject: Chamberlain Travel

Alex,

As you may know, we are seeking court permission to move the status conference to July 17. If that occurs, Mr. Chamberlain will not travel to the US in July.

Either way, he will travel in August per the attached confirmation. Can you please get the team started on the approvals for that travel?

Please confirm.

Thank you.

Ariel A. Neuman

Principal

O: 310.201.2100

F: 310.201.2110

E: aneuman@birdmarella.com

[vCard](#) | [Bio](#) | [LinkedIn](#)

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From: Bryant, Alexandra E. (SF) (FBI) <aebryant2@fbi.gov>
Sent: Monday, June 3, 2019 1:07 PM
To: Ariel A. Neuman <aneuman@birdmarella.com>; Leach, Robert (USACAN) <Robert.Leach@usdoj.gov>
Cc: Gary S. Lincenberg <glincenberg@birdmarella.com>
Subject: RE: Chamberlain Travel in July

Hi Ariel,

I checked with our ICE contact about this request. Unfortunately they are still working on the July travel request and would not process the June in time. For non-court travel trips ICE wants at least 30 days to process. I know that is a lot of notice, but we have to follow ICE's process. Thank you.

Best regards, Alex

From: Ariel A. Neuman [<mailto:aneuman@birdmarella.com>]
Sent: Tuesday, May 28, 2019 9:33 AM
To: Leach, Robert (USACAN) <Robert.Leach@usdoj.gov>
Cc: Gary S. Lincenberg <glincenberg@birdmarella.com>; Bryant, Alexandra E. (SF) (FBI) <aebryant2@fbi.gov>
Subject: FW: Chamberlain Travel in July

Bob –

I understand SA Bryant is out of the office until next week. Forwarding the below to you in case there is another agent who can assist so that we do not miss the window of opportunity.

Thanks,
Ariel

From: Ariel A. Neuman
Sent: Tuesday, May 28, 2019 9:31 AM
To: 'Bryant, Alexandra E. (SF) (FBI)' <aebryant2@fbi.gov>
Cc: Gary S. Lincenberg <glincenberg@birdmarella.com>
Subject: RE: Chamberlain Travel in July

Alex,

In addition to the below, we would like Mr. Chamberlain to be able to travel as follows:

Airline	Flight	From	To	Date	Depart	Arrive	Duration	Equipment	Cabin
Virgin Atlantic	21	London Heathrow	Washington Dulles	Mon, 17 Jun 19	11:35	15:00	08h 25m	Airbus A330-300	Upper

Airline	Flight	From	To	Date	Depart	Arrive	Duration	Equipment	Cabin
Virgin Atlantic	22	Washington Dulles	London Heathrow	Thu, 20 Jun 19	18:10	06:35 (Fri)	07h 25m	Airbus A330-300	Upper

Please let me know if this is possible – I think we are just over three weeks out so hopefully enough time.

Thanks,
Ariel

Ariel A. Neuman

Principal

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From: Ariel A. Neuman

Sent: Monday, May 20, 2019 8:56 AM

To: Bryant, Alexandra E. (SF) (FBI) <aebryant2@fbi.gov>

Cc: Gary S. Lincenberg <glincenberg@birdmarella.com>

Subject: Chamberlain Travel in July

Alex – See attached for flight information for Mr. Chamberlain for his July travel. Hopefully we can get this done earlier than last time. Thanks for your help. I understand he will be staying at Hotel Spero again.

Thanks,
Ariel

Ariel A. Neuman

Principal

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